S.B.Civil Revision Petition No.1208/2003

Uttariya Rajashan Sahakari Dugdh Uthpadak Sangh Ltd.
vs.
Sukh Deo Singh.

Date : 4.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. J Gehlot, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 17.5.2002 passed by the District Judge, Bikaner by which the petitioner's appeal was substantially dismissed after giving some relief in respect of the order of payment of traveling allowance (TA).

Brief facts of the case are that the claimant raised a dispute before the labour court upon which the order was passed in favour of the employee/respondent against which a writ petition no.3295/1997 was preferred by the petitioner but learned counsel for the petitioner submits that no stay order was passed by this Court against the execution of the said award. Learned counsel for the petitioner submits that in ground (a), it has wrongly been mentioned that the operation of award has been stayed. Learned counsel for the petitioner submits that the only remedy available with the employee was to take benefit under Section 17B of the

Industrial Disputes Act, 1947 and he could not submit the petition under Section 17 of the Payment of Wages Act.

It appears that the appellate court while considering the appeal of the petitioner accepted the plea of the petitioner about the order of payment of TA and reduced that amount from the order passed by the Authority under the Payment of Wages Act.

In the facts and circumstances of the case when there is an order in favour of the employer and the said payment has not been paid to the employee, he had an option but to approach the Workmen's Compensation Commissioner also, therefore, I do not find any illegality in the order passed by the appellate authority upholding the order of the Authority under the Payment of Wages Act.

In view of the above, I do not find any merit in the revision petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya